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RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 2017199-000109		
Name: (b)(6), (b)(7)(C)		
AKA:		
Social Security Number: (b)(6), (b)(7)(C)		Context: Subject
Date of Birth: (b)(6), (b)(7)(C)	State of Birth: (b)(6), (b)(7)(C)	Country of Birth: US - United States of America
Case Number: 05JAN17DCWA00038SNA		Dossier:
DCII INDEX CODE: K = 50 Years	RECORD SERIES #: 5580.4a(1)(b)	Date Closed: 07/10/2017
RECORD SERIES (FILE PLAN) Gen Mgmt, Sec & Safety Svcs - Provide Security Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death & Sex Investigations Controlled Death & Sex Investigations		
Comments:		
<input type="checkbox"/> No Polygraph Examination Conducted	<input type="checkbox"/> No Sexual Offender Registry Completed	
<input type="checkbox"/> No Finger Prints Submitted to Code 23C2	<input type="checkbox"/> No Final Disposition Report to FBI	
CIS - _____ / _____ <input type="checkbox"/> Closed Status <input type="checkbox"/> Dup Title <input type="checkbox"/> Dup CCN		
Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.		
 RUR0015JAO		
1 7 / 8 5 9 8		
I, (b)(6), (b)(7)(C) Typed Name of SSA 7/18/17 DATE		certify that this document has been reviewed and is complete. (b)(6), (b)(7)(C)

Unclassified when separated from attachment unless otherwise indicated.

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CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier **05JAN17DCWA00038SNA**

(Case Control Number (CCN))

or

(b)(6), (b)(7)(C)

(Subject Name/Title)

ENC-A TO EX-2, contains the following additional material on

Interview of (b)(6), (b)(7)(C) at DCWA/06Jan17,

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

☐

Grand Jury

☐

X – Rays

☐

Video Tapes

☐

Audio Tapes

☐

Photographs (images of photographs

are contained in the electronic dossier,
actual photographs(s) from hard copy
dossier is/are filed separately.)

☐

Polygraph Material

☐

Source Envelope

☒

Other

DVD

(Description)

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 05JAN17DCWA00038SNA
(Case Control Number (CCN))

on (b)(6), (b)(7)(C)
(Subject Name/Title)

ENC-B TO EX-4, contains the following additional material on

Interview of (b)(6), (b)(7)(C) 02Feb17

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

<input type="checkbox"/> Grand Jury	_____
<input type="checkbox"/> X – Rays	_____
<input type="checkbox"/> Video Tapes	_____
<input type="checkbox"/> Audio Tapes	_____
<input type="checkbox"/> Photographs (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	_____
<input type="checkbox"/> Polygraph Material	_____
<input type="checkbox"/> Source Envelope	_____
<input checked="" type="checkbox"/> Other <u>DVD</u> (Description)	_____

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 05JAN17DCWA00038SNA
(Case Control Number (CCN))

on

(b)(6), (b)(7)(C)

(Subject Name/Title)

ENC-A TO EX-8, contains the following additional material on

iStar of Chinfo Office Space/07Feb17

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

☐

Grand Jury

☐

X – Rays

☐

Video Tapes

☐

Audio Tapes

☐

Photographs (images of photographs

are contained in the electronic dossier,
actual photographs(s) from hard copy
dossier is/are filed separately.)

☐

Polygraph Material

☐

Source Envelope

☒

Other

DVD

(Description)

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier **05JAN17DCWA00038SNA**
(Case Control Number (CCN))

on (b)(6), (b)(7)(C)
(Subject Name/Title)

ENC-B TO EX-8, contains the following additional material on

Chinfo space stitched iStar/16Feb17

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

<input type="checkbox"/> Grand Jury	_____
<input type="checkbox"/> X – Rays	_____
<input type="checkbox"/> Video Tapes	_____
<input type="checkbox"/> Audio Tapes	_____
<input type="checkbox"/> Photographs (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	_____
<input type="checkbox"/> Polygraph Material	_____
<input type="checkbox"/> Source Envelope	_____
<input checked="" type="checkbox"/> Other <u>DVD</u> (Description)	_____

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

10JUL17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 05JAN17-DCWA-0003-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
USN/CCN: 05JAN17-DCWA-0005-8SNA/05JAN17
- (B) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
STEPHEN/CDR USN/CCN: 07MAR17-DCWA-0072-8SNA/07MAR17
- (C) NCISRA WASHINGTON, DC ROI (INTERIM) (CONTAINS EXHIBITS
1-13)/15MAR17
- (D) NCISRA WASHINGTON DC ROI (INTERIM)/12MAY17

EXHIBIT(S)

- (14) IA: Receipt of Sexual Assault Disposition Report/10Jul17

EXECUTIVE SUMMARY

1. On 04Jan17 NCISRA Washington, D.C. received a Preliminary Inquiry (PI) into Allegations of Sexual Harassment against (b)(6), (b)(7)(C). The inquiry was conducted by the Command after allegations that (b)(6), (b)(7)(C) had sexually harassed (b)(6), (b)(7)(C) USN, (CHINFO) and (b)(6), (b)(7)(C) at the Command's Christmas party on 13Dec16. Statements provided allege (b)(6), (b)(7)(C) hugged (b)(6), (b)(7)(C) on two occasions while at the party at the CHINFO spaces, The Pentagon and a prior unreported incident in 2014 wherein (b)(6), (b)(7)(C) placed his hand on (b)(6), (b)(7)(C) thigh and later expressed to (b)(6), (b)(7)(C) he did not want to sleep with her, but wanted to make-out, while at a dinner in Baltimore, MD. Other incidents of possible sexual assault identified from the PI wherein (b)(6), (b)(7)(C) and another Command member, (b)(6), (b)(7)(C) USN, CHINFO, claimed to have been physically touched by (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) are being addressed via Reference (A). On 22Jun17, CDR (b)(6), (b)(7)(C) USN, Legal Advisor to the Director, Director Navy Staff provided a Sexual Assault Disposition Report reporting Capt. (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) EA DNS noted (b)(6), (b)(7)(C) was provided a Letter of Counseling (LOC), adverse fitness report and an early transfer as a result of this investigation. Investigation is closed.

NARRATIVE

- 1. This reactive investigation pertains to possible violations of Article 120 (Abusive Sexual Contact), the Uniform Code of Military Justice.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05JAN17-DCWA-0003-8SNA/C

10JUL17

2. On 22Jun17, CDR [REDACTED] (b)(6), (b)(7)(C) USN, Legal Advisor to the Director, Director Navy Staff provided a Sexual Assault Disposition Report reporting Capt. [REDACTED] (b)(6), (b)(7)(C) EA DNS noted [REDACTED] (b)(6), (b)(7)(C) was provided a Letter of Counseling (LOC), adverse fitness report and an early transfer as a result of this investigation, Exhibit (14) pertains. Investigation is closed.

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INFO :DCWA

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10JUL17

CONTROL: 05JAN17-DCWA-0003-8SNA/C

(b)(6), (b)(7)(C)

RECEIPT OF SEXUAL ASSAULT DISPOSITION REPORT

1. This reactive investigation pertains to possible violations of Article 120 (Abusive Sexual Contact), the Uniform Code of Military Justice.
2. On 22Jun17, CDR (b)(6), (b)(7)(C) USN, Legal Advisor to the Director, Director Navy Staff provided a Sexual Assault Disposition Report reporting Capt. (b)(6), (b)(7)(C) EA DNS noted (b)(6), (b)(7)(C) was provided a Letter of Counseling (LOC), adverse fitness report and an early transfer as a result of this investigation, Enclosure (A) pertains.

ENCLOSURE(S)

(A) Sexual Assault Disposition Report/undated

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (14)

Pages 9 through 11 redacted for the following reasons:

(b)(6), (b)(7)(C): Pages (9) - (11), Enclosure (a)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

12MAY17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
USN/CCN: 05JAN17-DCWA-0005-8SNA/05JAN17
- (B) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) CDR USN/CCN: 07MAR17-DCWA-0072-8SNA/07MAR17
- (C) NCISRA WASHINGTON, DC ROI (INTERIM) (CONTAINS EXHIBITS
1-13)/15MAR17

EXECUTIVE SUMMARY

1. On 04Jan17, NCISRA Washington, DC received a Preliminary Inquiry (PI) into Allegations of Sexual Harassment against (b)(6), (b)(7)(C). The inquiry was conducted by the Command after allegations that (b)(6), (b)(7)(C) had sexually harassed (b)(6), (b)(7)(C), USN, (CHINFO) and (b)(6), (b)(7)(C) at the Command's Christmas party on 13Dec16. Statements provided, which rise to the level of possible sexual assault allege (b)(6), (b)(7)(C) hugged (b)(6), (b)(7)(C) on two occasions while at the party at the CHINFO spaces, The Pentagon and a prior unreported incident in 2014 wherein (b)(6), (b)(7)(C) placed his hand on (b)(6), (b)(7)(C) thigh and later expressed to (b)(6), (b)(7)(C) he did not want to sleep with her, but wanted to make-out, while at a dinner in Baltimore, MD. Other incidents of possible sexual assault identified from the PI wherein (b)(6), (b)(7)(C) and another Command member, (b)(6), (b)(7)(C), USN, CHINFO claim to have been physically touched by (b)(6), (b)(7)(C) are being addressed via Reference (A). An additional allegation of sexual assault against (b)(6), (b)(7)(C) is being addressed via Reference (B). On 12May17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff, LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) and LCDR (b)(6), (b)(7)(C) JAGC, USN, assigned VLC for (b)(6), (b)(7)(C) were updated on the status of this investigation. This investigation is complete and remains pending the adjudicative decision by Command and RLSO.

NARRATIVE

- 1. This reactive investigation pertains to possible violations of Article 120 (Abusive Sexual Contact), the Uniform Code of Military Justice.
- 2. On 08May17, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff related adjudicative action recommendations have been forwarded to RLSO for review, results pending.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05JAN17-DCWA-0003-8SNA

12MAY17

3. On 12May17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff, LCDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) and LCDR (b)(6), (b)(7)(C) JAGC, USN, assigned VLC for (b)(6), (b)(7)(C) were updated on the status of this investigation. This investigation remains pending the adjudicative decision by Command and RLSO. This investigation is transferred to Investigator (b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ:23B2 (E)

INFO :DCWA (E)/RLSO (LCDR (b)(6), (b)(7)(C) (E)/002A (E)/DIRECTOR 154May17
NAVY STAFF (CDR (b)(6), (b)(7)(C) E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

15MAR17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
USN/CCN: 05JAN17-DCWA-0005-8SNA/05JAN17
- (B) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/CCN: 07MAR17-DCWA-0072-8SNA/07MAR17

EXHIBIT(S)

- (1) IA: ACQUISITION OF PRELIMINARY INQUIRY/10JAN17
- (2) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) USN/12JAN17
- (3) IA: ABSENCE OF SEXUAL ASSAULT FORENSIC EXAM/08JAN17
- (4) IA: RESULTS OF INTERROGATION OF (b)(6), (b)(7)(C)
USN/03FEB17
- (5) IA: ACQUISITION AND REVIEW OF (b)(6), (b)(7)(C)
USN, OMPF/01FEB17
- (6) IA: ACQUISITION AND REVIEW OF (b)(6), (b)(7)(C) USN,
OMPF/31JAN17
- (7) IA: RESULTS OF TELEPHONIC CONTACT WITH (b)(6), (b)(7)(C)
CIV/15FEB17
- (8) IA: RESULTS OF SCENE DOCUMENTATION CONDUCTED AT THE USN CHIEF
OF INFORMATION OFFICE AT THE PENTAGON/16FEB17
- (9) IA: ABSENT SECOND CRIME SCENE DOCUMENTATION/23FEB17
- (10) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C)
USN/28FEB17
- (11) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C)
USMC/28FEB17
- (12) IA: ACQUISITION AND SUBMISSION OF DNA AND FINGERPRINTS OF
(b)(6), (b)(7)(C) 07MAR17
- (13) IA: ACQUISITION OF EMAILS BETWEEN (b)(6), (b)(7)(C) AND
(b)(6), (b)(7)(C) 07MAR17

EXECUTIVE SUMMARY

1. On 04Jan17, NCISRA Washington, DC received a Preliminary Inquiry (PI) into Allegations of Sexual Harassment against (b)(6), (b)(7)(C). The inquiry was conducted by the Command after allegations that (b)(6), (b)(7)(C) had sexually harassed (b)(6), (b)(7)(C), USN, (CHINFO) and (b)(6), (b)(7)(C) at the Command's Christmas party on 13Dec16. Statements provided, which rise to the level of possible sexual assault allege (b)(6), (b)(7)(C) hugged (b)(6), (b)(7)(C) on two occasions

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:05JAN17-DCWA-0003-8SNA

15MAR17

while at the party at the CHINFO spaces, The Pentagon and a prior unreported incident in 2014 wherein (b)(6), (b)(7)(C) placed his hand on (b)(6), (b)(7)(C) thigh and later expressed to (b)(6), (b)(7)(C) he did not want to sleep with her, but wanted to make-out, while at a dinner in Baltimore, MD. Other incidents of possible sexual assault identified from the PI wherein (b)(6), (b)(7)(C) and another Command member, (b)(6), (b)(7)(C) USN, CHINFO claim to have been physically touched by (b)(6), (b)(7)(C) are being addressed via Reference (A). An additional allegation of sexual assault against (b)(6), (b)(7)(C) is being addressed via Reference (B). On 08Mar17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff, LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) and LCDR (b)(6), (b)(7)(C) JAGC, USN, assigned VLC for (b)(6), (b)(7)(C) were updated on the status of this investigation. This investigation is complete and pending the adjudicative decision by Command and RLSO.

NARRATIVE

1. This reactive investigation pertains to possible violations of Article 120 (Abusive Sexual Contact), the Uniform Code of Military Justice.
2. On 04Jan17, a copy of the Preliminary Investigation (PI) conducted by the Command was received and reviewed. As a result, this investigation and a separate investigation reported via Reference (A) were initiated to address the incidents of possible sexual assault contained within the PI. Exhibit (1) pertains.
3. On 06Jan17, Participant (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who corroborated information contained within her statement in the PI. (b)(6), (b)(7)(C) essentially related (b)(6), (b)(7)(C) hugged her twice without her consent while at the CHINFO Christmas party at The Pentagon on 13Dec16 and that (b)(6), (b)(7)(C) had also touched and made unwanted sexual advances toward her while the two had dinner in Baltimore, MD sometime in 2014. (b)(6), (b)(7)(C) added (b)(6), (b)(7)(C) has highly intoxicated during both incidents. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program (VWAP) pamphlet and a Sexual Assault Forensic Examination (SAFE) was not conducted due to the nature of the incidents. Exhibits (2) and (3) pertain.
4. On 02Feb17, Reporting Agent (RA) interrogated (b)(6), (b)(7)(C) after Article 31b rights advisement. (b)(6), (b)(7)(C) related that during the dinner with (b)(6), (b)(7)(C) in Baltimore, MD in 2014, he believed they were in a date rather than a professional dinner. He added (b)(6), (b)(7)(C) did not express discomfort when the conversation transitioned from professional to personal, which led him to believe the evening might have a romantic ending. (b)(6), (b)(7)(C) could not recall touching (b)(6), (b)(7)(C) in a sexual manner and further related (b)(6), (b)(7)(C) demeanor only changed after she saw a group of co-workers approaching the bar where she and (b)(6), (b)(7)(C) were at. Exhibit (4) pertains.
5. On 31Jan17, Participant (b)(6), (b)(7)(C) viewed the Official Military Personnel Files (OMPF) of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). This effort yielded personal and military information but nothing of interest to this investigation. Exhibits (5) and (6) pertain.
6. On 15Feb17, (b)(6), (b)(7)(C) Communications and Planning, CHINFO, telephonically contacted RA and related she wanted to

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL: 05JAN17-DCWA-0003-8SNA

15MAR17

provide information to "shape the picture" of (b)(6), (b)(7)(C) actions, but did not want to be part of the investigation or provide a further statement. (b)(6), (b)(7)(C) related that during the 13Dec16 CHINFO Christmas party, (b)(6), (b)(7)(C) who was dressed as Santa Claus slapped her on the buttocks without her consent. (b)(6), (b)(7)(C) related she did not feel she was a sexual assault victim, but felt humiliated and disrespected by (b)(6), (b)(7)(C) actions. Exhibit (7) pertains. This information will be investigated and documented in Reference (B).

7. On 07Feb17, Participants (b)(6), (b)(7)(C) conducted a crime scene documentation of the CHINFO spaces where the Christmas party was held on 13Dec16. As a result, several photographs were obtained of the area, but nothing else of evidentiary value was recovered. Neither (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) can recall the restaurant/bar where the 2014 incident occurred, therefore no crime scene documentation of that location was conducted. Exhibits (8) and (9) pertain.

8. On 28Feb17, (b)(6), (b)(7)(C), USN was interviewed and related (b)(6), (b)(7)(C) notified her of possible inappropriate comments by (b)(6), (b)(7)(C) during the CHINFO Christmas party and after the subsequent dinner on the same day. Additionally, (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) had confided in her regarding the 2014 incident in Baltimore, MD during which (b)(6), (b)(7)(C) made unwanted advances toward her. Exhibit (10) pertains.

9. On 28Feb17, (b)(6), (b)(7)(C), USMC was interviewed and related (b)(6), (b)(7)(C) called him on the evening of her dinner with (b)(6), (b)(7)(C) in Baltimore, MD and told him (b)(6), (b)(7)(C) had touched her leg and made unwanted advances toward her. Exhibit (11) pertains.

10. On 07Mar17, (b)(6), (b)(7)(C) was interviewed after Article 31b Rights Advisement regarding Reference (B). During this interview (b)(6), (b)(7)(C) expressed his concern that (b)(6), (b)(7)(C) may have been coerced into reporting the 2014 incident in Baltimore, MD and explained he had several work emails from (b)(6), (b)(7)(C) prior to the initiation of this investigation as proof she never indicated a concern with the incident. After the interview, and after a Probable Cause opinion by LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office, (b)(6), (b)(7)(C) fingerprints and DNA were obtained and the latter forwarded to the U.S. Army Criminal Investigation Laboratory (USACIL) for entering into the Combined DNA Index System (CODIS). Exhibits (12) and (13) pertain.

11. On 08Mar17, CAPT (b)(6), (b)(7)(C), USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff, LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) and LCDR (b)(6), (b)(7)(C) JAGC, USN, assigned VLC for (b)(6), (b)(7)(C) were updated on the status of this investigation. This investigation is complete and pending the adjudicative decision by Command and RLSC.

PARTICIPANTS

(b)(6), (b)(7)(C)

SPECIAL AGENT, NCIS OFFICE OF FORENSIC SUPPORT WASHINGTON, DC
SPECIAL AGENT, NCISRA WASHINGTON, DC
SPECIAL AGENT, NCISRA WASHINGTON, DC
SPECIAL AGENT, NCISRA WASHINGTON, DC

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000014

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL: 05JAN17-DCWA-0003-8SNA

15MAR17

ACTION

23B2: Active Investigation Complete
0025: Transaction Control Number DCWA00000 (b)(6), (b)(7)(C) documents
the transmission of (b)(6), (b)(7)(C) fingerprints and three (3)
facial images via Live Scan

DISTRIBUTION

NCISHQ: 23B2 (E)

ACTION: 23B2/0025

INFO : 002A (E)/DCWA (E)/RLSO (LCDR (b)(6), (b)(7)(C) (H)/CHINFO
(CAPT (b)(6), (b)(7)(C) (H)/CIRECTOR NAVY STAFF (CDR (b)(6), (b)(7)(C) (H)) 17Mar17

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PAGE 4 LAST (b)(6), (b)(7)(C) LNN

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10JAN17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

ACQUISITION OF PRELIMINARY INQUIRY

1. On 04Jan17, Supervisory Special Agent (b)(6), (b)(7)(C) provided Reporting Agent (RA) a copy of the Command's Preliminary Inquiry (PI) investigation into allegations of sexual harassment against (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, dated 21Dec16. Enclosure (A) pertains. A review of said PI provided alleged incidents of possible sexual assault of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN by (b)(6), (b)(7)(C) in 2014, while at a dinner in Baltimore, MD and on 13Dec16, while at a Command sponsored Christmas party.
2. The report also contains allegations by (b)(6), (b)(7)(C) USN, of possible sexual assaults wherein they were the victims and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN was the alleged perpetrator while at an after Christmas party dinner at the Epic Restaurant, 1330 S. Fern Street, Arlington, VA Arlington, VA on 23Dec16.
3. While the allegations of possible sexual assault by (b)(6), (b)(7)(C) will be investigated and reported in this case, the allegations against (b)(6), (b)(7)(C) will be investigated via Reference (A) of this investigation.

ENCLOSURE(S)

- (A) Preliminary Investigation Into Allegations of Sexual Harassment Against (b)(6), (b)(7)(C) USN/21Dec16

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 1 LAST (b)(6), (b)(7)(C) LNN

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EXHIBIT (1)

Pages 19 through 55 redacted for the following reasons:

Pages (19) - (55), Enclosure (a): Preliminary Inquiry Documentation - proprietary to the Office of the Chief of Naval Operations

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12JAN17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) USN

1. On 06Jan17, Special Agent (SA) (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN regarding her allegation of unwanted sexual contact by CDR (b)(6), (b)(7)(C) USN. (b)(6), (b)(7)(C) was interviewed at the NCIS Washington, DC Field Office, 2713 Mitscher Road, Building 168, Suite 200, Washington, DC, at about 0840 hours. The interview was recorded and entered into NCIS Washington DC Consolidated Evidence Facility, under log number 013-17, Enclosure (A) pertains.
2. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Pamphlet (VWAP) and offered a Victim Advocate, which she declined. SA (b)(6), (b)(7)(C) explained the Victim Legal Counselor and asked if she would like to have one present during our meeting. (b)(6), (b)(7)(C) advised she would like to consult with a VLC after our meeting and was comfortable continuing our meeting without one present.
3. (b)(6), (b)(7)(C) advised on two separate occasions she was sexually harassed and/or physically touched by (b)(6), (b)(7)(C) against her will. (b)(6), (b)(7)(C) further explained how she viewed (b)(6), (b)(7)(C) as a mentor figure in her military career and never had a romantic relationship with him. (b)(6), (b)(7)(C) advised on both occasions, alcohol was involved and no injuries were sustained. (b)(6), (b)(7)(C) stated no medical attention was received and no Sexual Assault Forensic Exam (Safe Kit) was conducted due to the nature of the offense.
4. (b)(6), (b)(7)(C) reported sometime during September 2014, she was on official military travel for the support of the Baltimore, Maryland Airshow (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) agreed to meet (b)(6), (b)(7)(C) for dinner. (b)(6), (b)(7)(C) advised she and (b)(6), (b)(7)(C) had eaten dinner then visited a bar for alcoholic beverages; not far from the restaurant where they ate dinner. (b)(6), (b)(7)(C) reported that she could tell that (b)(6), (b)(7)(C) was intoxicated by the way his speech became slurred. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) placed his hand on her bare knee and made reference to going to her hotel room to make out. (b)(6), (b)(7)(C) decline (b)(6), (b)(7)(C) offer and advised she was not intoxicated as she had only one alcoholic beverage. (b)(6), (b)(7)(C) could not recall the exact location of the restaurant, bar or hotel which she visited however, they were all located in the downtown area of Baltimore, Maryland.
5. (b)(6), (b)(7)(C) reported a second incident occurring at the CHINFO Christmas party, located at the Pentagon, December 2016. (b)(6), (b)(7)(C) advised she did not drink any alcoholic beverages however she could tell the (b)(6), (b)(7)(C)

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EXHIBIT (2)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:05JAN17-DCWA-0003-8SNA

12JAN17

was intoxicated as well as several other employees. (b)(6), (b)(7)(C) reported while cleaning up she wanted to ensure everyone had a ride home and she inquired to (b)(6), (b)(7)(C) USN, CHINFO, if he would ensure (b)(6), (b)(7)(C) had a way home. During this conversation, (b)(6), (b)(7)(C) approached (b)(6), (b)(7)(C) and hugged her. (b)(6), (b)(7)(C) reported she pushed (b)(6), (b)(7)(C) off of her and gestured her arms in a way that was understood that she did not want to be touched. (b)(6), (b)(7)(C) hugged (b)(6), (b)(7)(C) again against her will.

6. Further details of (b)(6), (b)(7)(C) interview can be reviewed via the statement she provided to her Command, Preliminary Investigation into Allegations of Sexual Harassment against (b)(6), (b)(7)(C) USN.

7. At about 1030, SA (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) took a break wherein (b)(6), (b)(7)(C) agreed to return to NCIS to provide a written statement and continue the interview. While on break SA (b)(6), (b)(7)(C) provided (b)(6), (b)(7)(C) contact information to (b)(6), (b)(7)(C) LCDR, USN, Navy Legal Services, Victim Legal Counsel. At about 1230, LCDR (b)(6), (b)(7)(C) contacted SA (b)(6), (b)(7)(C) and informed Reporting Agent that (b)(6), (b)(7)(C) would not be continuing the interview, providing a written statement, or a Permissive Authorization for Search and Seizure (PASS) for any electronic devices. LCDR (b)(6), (b)(7)(C) advised she had formed a Victim/Client relationship with (b)(6), (b)(7)(C). Enclosure (B) pertains.

ENCLOSURE(S)

- (A) DVD-R containing the interview of (b)(6), (b)(7)(C) 06JAN17
- (B) Victim Legal Counsel Notice of Representation/06Jan17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 2 LAST (b)(6), (b)(7)(C) LNN

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Page 58 redacted for the following reason:

Page (105), Enclosure (a) to Exhibit (2): Digital Versatile Disc - not processed

6 Jan 17

From: LCDR [REDACTED] Victims' Legal Counsel,
Naval District Washington, D.C.
To: Distribution

Subj: VICTIM'S LEGAL COUNSEL NOTICE OF REPRESENTATION

1. I am serving as Victims' Legal Counsel for [REDACTED]
[REDACTED] USN. I have formed an attorney-client relationship with
[REDACTED]

2. If any defense counsel, investigator, government agent, military authority, or other person wishes to contact, interview or question my client, that authority shall contact me to discuss the general nature of the questions to be asked and to schedule the potential interview. My client has requested that I be present for any interview.

3. My client requests that all further contact related to the investigation and/or prosecution of her reported sexual assault be made through counsel.

4. Please provide me copies of any investigative reports, witness statements, pleadings, or other documents relevant to my client's meaningful exercise of her rights as a federal crime victim. These rights include, but are not limited to, the right to be protected from the offender, the right to be notified of court-proceedings, the right to be present at all court proceedings absent a court order, the right to confer with government counsel to include the right to be consulted regarding any decision to pursue or not pursue charges against the offender, and the right to be provided information about any conviction, sentence, imprisonment, and release of the offender.

5. I can be reached at (202) [REDACTED] or
[REDACTED]

[REDACTED]
(b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08JAN17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

ABSENCE OF SEXUAL ASSAULT FORENSIC EXAM

1. Due to the nature of the allegation, a sexual assault forensic exam was not conducted in support of this investigation.

REPORTED BY: (b)(6), (b)(7)(C) Supervisory Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 1 LAST (b)(6) (b)(7)(C) LNN

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EXHIBIT (3)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

03FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

I/WASHINGTON DC/ALLEGATIONS OF SUSPECTED SEXUAL MISCONDUCT BY USN OFFICER

RESULTS OF INTERROGATION OF (b)(6), (b)(7)(C) USN

1. On 02Feb17, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN after Article 31b rights advisement, regarding the allegations of sexual assault made by (b)(6), (b)(7)(C) USN. Enclosure (A) pertains. The interview was recorded, copied onto a DVD-R, entered into the NCISRA Washington, DC evidence repository under log number 040-17 and a second copy is appended as Enclosure (B).
2. (b)(6), (b)(7)(C) related sometime in 2014, he met (b)(6), (b)(7)(C) for dinner at a restaurant in the Little Italy area of Federal Hills, Baltimore, MD. At the time, he and (b)(6), (b)(7)(C) were both separated from their spouses and (b)(6), (b)(7)(C) was assigned to the Blue Angels Squadron, while (b)(6), (b)(7)(C) was assigned to The Pentagon. During the evening, both ate dinner and consumed alcoholic beverages. Throughout the evening the conversation shifted from (b)(6), (b)(7)(C) providing career advice to (b)(6), (b)(7)(C) to a personal tone, which led (b)(6), (b)(7)(C) to believe the evening could end up in a romantic liaison. (b)(6), (b)(7)(C) explained the dinner seemed more like a date rather than a meeting, by the type and tone of conversation between the two. (b)(6), (b)(7)(C) does not recall touching (b)(6), (b)(7)(C) in a sexual manner, nor (b)(6), (b)(7)(C) expressing discomfort with the conversation. At some point, a group of (b)(6), (b)(7)(C) co-workers appeared, at which time (b)(6), (b)(7)(C) noticed that (b)(6), (b)(7)(C) demeanor changed. As related by (b)(6), (b)(7)(C) then told him that if he had drank too much, he could stay at her hotel room and she would stay at her friend's room (NFI). (b)(6), (b)(7)(C) declined the offer because his "pride was hurt."
3. (b)(6), (b)(7)(C) added he and (b)(6), (b)(7)(C) continued communication on a professional level and the subject of that evening never came up. Sometime in 2015, (b)(6), (b)(7)(C) was transferred to The Pentagon and during the early stages of this tour, spoke to (b)(6), (b)(7)(C) about the 2014 incident in Baltimore. According to (b)(6), (b)(7)(C) asked him "are we ok" in regards to the incident and he jokingly replied something to the effect that he was "tuned down" and that they were ok. (b)(6), (b)(7)(C) further related that (b)(6), (b)(7)(C) never spoke of the incident in terms that would lead him to believe he did something to make her feel uncomfortable nor did she ever state she was uncomfortable.
4. (b)(6), (b)(7)(C) declined a permissive search of his personal cell phone and was released to CAPT (b)(6), (b)(7)(C) USN.

ENCLOSURE(S)

(A) Military Suspect's Acknowledgment and Cleansing Waiver of

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EXHIBIT (4)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL:05JAN17-DCWA-0003-8SNA

03FEB17

Rights of (b)(6), (b)(7)(C) 02Feb17
(B) DVD-R containing the interrogation of (b)(6), (b)(7)(C) 02Feb17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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MILITARY SUSPECT'S A. KNOWLEDGEMENT AND CLEANING WAIVER OF RIGHTS

Place: Bldg 168, JBAS
Date: 02 Feb 17

I, (b)(6), (b)(7)(C), have been
advised by (b)(6), (b)(7)(C) that I am
suspected of Sexual Assault

I have also been advised that:

- (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;
- (2) I have the right to remain silent and make no statement at all;
- (3) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (6) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature

(b)(6), (b)(7)(C)

Date & Time: 02 Feb 17 / 1519

Witnessed:

(b)(6), (b)(7)(C)

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

Page 64 redacted for the following reason:

Page (111), Enclosure (b) to Exhibit (4): Digital Versatile Disc - not processed

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

01FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

ACQUISITION AND REVIEW OF

(b)(6), (b)(7)(C)

USN, OMPF

1. On 31JAN17, Reporting Agent (RA) obtained a copy and conducted a subsequent review of (b)(6), (b)(7)(C), USN, Official Military Personnel File (OMPF) obtained from the Defense Personnel Records Information Retrieval System (DPRIS). The review revealed the following listed biographical information as well as (b)(6), (b)(7)(C) military experience:

2. Personal Information:

(b)(6), (b)(7)(C)

3. Experience:

Date of Commission:	26MAY99
Date of Active Duty:	26MAY99
Commission Location:	U.S. Naval Academy, Annapolis
Former Duty Stations:	NAVPSSCOL MONTEREY
	NAVAVSCOLSCOM PENS
	COMTRAWING FIVE
	CVN 75 H S TRUMAN
	CENSERVSUPP L SITE
	CHINFO WASH DC
	CNE-C6F
	MCAS-2
	COMDESRON SIX ZERO

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EXHIBIT (5)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL: 05JAN17-DCWA-0003-8SNA

01FEB17

	COMNAVSURFPAC
	CHINFO
	CHNAVPERS WASH DC
Training Entries:	N/A
Discipline Info:	None
Awards/Citations:	Navy and Marine Corps Achievement Medal Navy and Marine Corps Commendation Medal Sixth Fleet Meritorious Service Medal
Overseas Travel:	Not Reflected

4. A further review of (b)(6), (b)(7)(C) OMPF reflected (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

31JAN17

CONTROL: 05JAN17-DCWA-0003-8SNA

I/WASHINGTON DC/ALLEGATIONS OF SUSPECTED SEXUAL MISCONDUCT BY USN OFFICER

ACQUISITION AND REVIEW OF (b)(6), (b)(7)(C) USN, OMPF

1. On 31JAN17, Reporting Agent (RA) obtained a copy and conducted a subsequent review of (b)(6), (b)(7)(C), USN, Official Military Personnel File (OMPF) obtained from the Defense Personnel Records Information Retrieval System (DPRIS). The review revealed the following listed biographical information as well as (b)(6), (b)(7)(C) military experience:

2. Personal Information:

(b)(6), (b)(7)(C)

Education: Southern Oregon University
Religion: N/A

3. Experience:

Date of Commission: 24JUN11
Date of Active Duty: N/A
Commission Location: Officer Training Command Newport
Former Duty Stations: NAVFLIGHTDEMRON
NFDS
CHNAVPERS WASH DC
Training Entries: N/A
Discipline Info: None
Awards/Citations: Navy and Marine Corps Achievement Medal
Overseas Travel: Not Reflected

4. A further review of (b)(6), (b)(7)(C) OMPF reflected (b)(6), (b)(7)(C)

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EXHIBIT (6)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05JAN17-DCWA-0003-8SNA

31JAN17

(b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

RESULTS OF TELEPHONIC CONTACT WITH (b)(6), (b)(7)(C) CIV

1. On 15Feb17, (b)(6), (b)(7)(C) Communications and Planning, CHINFO telephonically contacted Reporting Agent (RA). (b)(6), (b)(7)(C) hesitantly related she was not making a report, but wanted RA to know something that could help "shape the picture" of the allegations of sexual assault by (b)(6), (b)(7)(C) and his routine conduct around females when he consumes alcohol. (b)(6), (b)(7)(C) related she wanted to tell the story in confidence and did not wish for her name to be released. This allegation is being addressed via Reference (B) of this report.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 1 LAST (b)(6), (b)(7)(C) LNN

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EXHIBIT (7)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

RESULTS OF SCENE DOCUMENTATION CONDUCTED AT THE USN CHIEF OF INFORMATION
OFFICE AT THE PENTAGON

1. On 07Feb17, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) NCISRA Washington DC, conducted a scene documentation at the USN Chief of Information (CHINFO) office within the Pentagon. The documentation focused on Room 4B463, formerly occupied by (b)(6), (b)(7)(C) USN, U.S. Fleet Forces Command. A sexual assault allegedly took place within the doorway to Room 4B463.

2. RA and PA (b)(6), (b)(7)(C) documented the office space and surrounding space photographically using an iSTAR panoramic camera, serial number ICT-IS2747. RA conducted a series of three (3) photographs, capturing images inside Room 4B463 in a position located just behind the desk and outside the room on either side of the doorway, Enclosure (A) pertains. All original images are maintained on a DVD, which was subsequently entered into the NCISRA Washington DC evidence repository under log #042-17. The panoramic images were stitched on 16Feb17 using Immersive Studio software to generate a panoramic photograph, Enclosure (B) pertains. The panoramic photographs within Enclosure (B) can be viewed and navigated by double-clicking on the NCTech.Immersive.Studio.Viewer icon and subsequently selecting the desired image from the display pane at the bottom of the screen.

ENCLOSURE(S)

- (A) DVD containing all original images of CHINFO office spaces (contains 3 folders)/07Feb17
- (B) DVD containing rendered iSTAR panoramic photographs of CHINFO office spaces (contains various files and folders)/16Feb17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: OFFICE OF FORENSIC SUPPORT WASHINGTON FIELD OFFICE

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EXHIBIT (8)

Pages 71 through 72 redacted for the following reasons:

Page (118), Enclosure (a) to Exhibit (8): Digital Versatile Disc - not processed
Page (119), Enclosure (b) to Exhibit (8): Digital Versatile Disc - not processed

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

ABSENT SECOND CRIME SCENE DOCUMENTATION

1. During the course of this investigation, two (2) separate crime scenes related to the alleged sexual assaults of (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C) were identified. The most recent incident occurred at the Chief of Naval Information (CHINFO) spaces, The Pentagon and was documented and reported via Exhibit (8) of this report. The second scene related to the 2014 incident at a restaurant/bar in Baltimore, MD, which neither (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) can recall; therefore, no crime scene documentation was conducted for that incident.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (9)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

28FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C), USN

1. On 27Feb17, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) USN, Chief of Naval Information (CHINFO), The Pentagon (b)(6), (b)(7)(C) related during the CHINFO Christmas party on 13Dec16, she observed several of the command members consuming alcohol and (b)(6), (b)(7)(C) who was also drinking, was wearing a Santa Claus costume. Sometime during the party, (b)(6), (b)(7)(C) USN told her that (b)(6), (b)(7)(C) was acting "weird" and stating something to the effect that he knew where she lived. (b)(6), (b)(7)(C) left the party around 1700, and on the next day, heard the rumors about some inappropriate conduct related to (b)(6), (b)(7)(C). On the same day (b)(6), (b)(7)(C) notified her that (b)(6), (b)(7)(C) sent her an email asking her to come to his office to discuss the events of the day/evening prior. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) not to go, due to the rumors, allegations and complaints. Later on the day, (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) if she wouldn't all (b)(6), (b)(7)(C) to come talk to him and she told him that due to the allegations, it would be best if they didn't have contact until the process sorted things out. (b)(6), (b)(7)(C) who has known (b)(6), (b)(7)(C) for approximately five (5) years, related she was not surprised to learn about a complaint or complaints about improper conduct by (b)(6), (b)(7)(C). Although (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) had talked about (b)(6), (b)(7)(C) not going to his office, he never mentioned anything about (b)(6), (b)(7)(C) touching him or otherwise acting inappropriately. (b)(6), (b)(7)(C) had heard from (b)(6), (b)(7)(C) USN that (b)(6), (b)(7)(C) touched his leg while at the after-party dinner on that evening, but added he did not feel assaulted. (b)(6), (b)(7)(C) also told (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) calls and text messages on the evening of the dinner after they had departed the restaurant.

2. In regards to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) related sometime in Jul15, (b)(6), (b)(7)(C) told her about the incident in Baltimore, MD wherein she and (b)(6), (b)(7)(C) went to what (b)(6), (b)(7)(C) thought was a mentoring dinner, during which (b)(6), (b)(7)(C) made advances toward her and touched her leg. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) also told her that once she became uncomfortable with the situation, she called a then co-worker, (b)(6), (b)(7)(C) USMC and told him about the incident in an attempt to get device a "fake emergency", so she could end the dinner with (b)(6), (b)(7)(C).

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EXHIBIT (10)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL: 05JAN17-DCWA-0003-8SNA

28FEB17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 2 ~~LAST~~ (b)(6), (b)(7)(C) LNN

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

28FEB17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) USMC

1. On 28Feb17, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, Marine Corps Combat Development Center, Quantico, VA. (b)(6), (b)(7)(C) is currently in a relationship with (b)(6), (b)(7)(C) and was previously assigned to the Blue Angels squadron with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) related sometime in Sep14, he received a call from (b)(6), (b)(7)(C) wherein she told him she had attended what she thought to be a mentoring dinner with (b)(6), (b)(7)(C). During the dinner, (b)(6), (b)(7)(C) realized (b)(6), (b)(7)(C) believed to be a romantic dinner and made unwanted advances toward her and touched her leg. (b)(6), (b)(7)(C) further told (b)(6), (b)(7)(C) that she had to tell (b)(6), (b)(7)(C) to stop the advances and gestures on two occasions before (b)(6), (b)(7)(C) got the message and the dinner ended. (b)(6), (b)(7)(C) further related that to his knowledge, there have been no further advances by (b)(6), (b)(7)(C) toward (b)(6), (b)(7)(C).

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (11)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07MAR17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

ACQUISITION AND SUBMISSION OF DNA AND FINGERPRINTS OF (b)(6), (b)(7)(C)

1. On 28Feb17, (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Regional Legal Services Office was briefed on the results of this investigation by Reporting Agent (RA). (b)(6), (b)(7)(C) opined there was enough evidence to obtain (b)(6), (b)(7)(C) DNA and forward it to the U.S. Army Criminal Investigation Laboratory (USACIL) for entering into the Combined DNA Index System (CODIS). On 07Mar17, RA obtained (b)(6), (b)(7)(C) DNA via kit number (b)(6), (b)(7)(C) and forwarded to USACIL for indexing into CODIS. (b)(6), (b)(7)(C) was provided with the gold information card prior to the collection of DNA. A copy of the DNA Collection Card is appended as Enclosure (A).

2. RA also obtained (b)(6), (b)(7)(C) fingerprints and photographs and transmitted them via LiveScan Transaction Control Number: 000000 (b)(6), (b)(7)(C)

ENCLOSURE(S)

(A) DNA Collection Card of (b)(6), (b)(7)(C) 07Mar17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (12)

Page 78 redacted for the following reason:

(b)(6), (b)(7)(C): Page (125), Enclosure (a)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07MAR17

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

ACQUISITION OF EMAILS BETWEEN (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C)

1. On 07Mar17, subsequent to an interview after Article 31b Rights Advisement related to Reference (B), (b)(6), (b)(7)(C) forwarded Reporting Agent (RA) email communication between he and (b)(6), (b)(7)(C) via government email. The emails are professional in nature and of a two-way communication nature wherein (b)(6), (b)(7)(C) is the initiator of the communication at times and (b)(6), (b)(7)(C) in other occasions. (b)(6), (b)(7)(C) provided the emails as he related he did not understand why (b)(6), (b)(7)(C) had brought up the alleged 2014 sexual assault into the command inquiry and now NCIS investigation, when she never indicated she remained apprehensive of him. (b)(6), (b)(7)(C) additionally indicated he believed (b)(6), (b)(7)(C) was coerced into reporting the 2014 incident. A copy of the recorded interview is contained within Reference (B) and the emails are appended as Enclosures (A) through (F).

ENCLOSURE(S)

- (A) Forwarded email initiated by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) 03Mar16
- (B) Forwarded email from (b)(6), (b)(7)(C) 07Mar17
- (C) Forwarded email initiated by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) 31Mar16
- (D) Forwarded email initiated by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) 03Jun16
- (E) Forwarded email initiated by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) 11Jul16
- (F) Forwarded email initiated by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) 16Aug16

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 1 LAST (b)(6), (b)(7)(C) LNN

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EXHIBIT (13)

Pages 80 through 86 redacted for the following reasons:

Pages (80) - (86), Enclosures (a) - (f): Electronic mails - proprietary to the Office of the Chief of Naval Operations

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CHANGE)

23FEB17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 05JAN17-DCWA-0003-8SNA

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

(A) NCISRA WASHINGTON, DC ROI (OPEN)/06JAN17

NARRATIVE

1. Subsequent to the submission of Reference (A), (b)(6), (b)(7)(C) was identified as the subject of the alleged sexual assault of (b)(6), (b)(7)(C)

ACTION

23B2: Please update Ni Title Block to reflect the information of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ:23B2 (E)

ACTION:23B2 (E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

06JAN17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 05JAN17-DCWA-0003-8SNA

I/WASHINGTON DC/ALLEGATIONS OF SUSPECTED SEXUAL MISCONDUCT BY USN
OFFICER

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC/(b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violation(s) of Article 120 (Abusive Sexual Contact), Uniform Code of Military Justice.

2. On 04Jan17, NCISRA Washington, DC notified via receipt of a Preliminary Inquiry into Allegations of Sexual Harassment against (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, U.S. Navy Office of Information (CHINFO), Pentagon. The inquiry was conducted by the Command after allegations that (b)(6), (b)(7)(C) had sexually harassed (b)(6), (b)(7)(C) USN, (CHINFO) and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, CHINFO at the Command's Christmas party on 13Dec16. Statements provided by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) allege (b)(6), (b)(7)(C) hugged (b)(6), (b)(7)(C) on two occasions while at the party located in the Pentagon and placed his hand on (b)(6), (b)(7)(C) chair while at the Epic restaurant located at 1330 S Fern St, Arlington, VA, during an after-party dinner. Witnesses also stated their belief that (b)(6), (b)(7)(C) was highly intoxicated, but none could verify the alleged acts of sexual harassment. (b)(6), (b)(7)(C) was interviewed by the Command Investigating Officer and initially elected to remain silent upon Article 31b rights advisement by Command Investigating Officer. Subsequently, he waived his rights and provided a written statement in which he denied the allegations, and he described (b)(6), (b)(7)(C) as being highly intoxicated and having touched his leg and (b)(6), (b)(7)(C). Another Command member present at the dinner, (b)(6), (b)(7)(C) USN, CHINFO was interviewed and provided a statement alleging (b)(6), (b)(7)(C) placed her hand on his leg during same the dinner. (b)(6), (b)(7)(C) also reported during 2014, she met (b)(6), (b)(7)(C) for dinner, and after dinner they went to a bar. While at this bar, (b)(6), (b)(7)(C) reportedly put his hand on (b)(6), (b)(7)(C) thigh. (b)(6), (b)(7)(C) indicated she removed (b)(6), (b)(7)(C) hand. Reportedly, (b)(6), (b)(7)(C) later expressed to (b)(6), (b)(7)(C) he did not want to sleep with her, but wanted to make-out. The specific time of the alleged offenses is unknown, and the specific location of the alleged offenses in Baltimore and Pentagon are unknown. Alcohol was a factor in the alleged offenses. A Sexual Assault Forensic Exam was not conducted to the nature of the allegations. Providing (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) DD Form 2701 Victim Witness Assistance Program pamphlet is pending contact with the aforementioned individuals. (b)(6), (b)(7)(C) is scheduled for an interview on 06Jan17. Crime scene documentation is pending. Command has not issued a Military Protective Order stemming from reported allegations.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:05JAN17-DCWA-0003-8SNA

06JAN17

3. The following Law Enforcement (LE) databases inquiries were conducted for (b)(6), (b)(7)(C) National Crime Information Center (NCIC); Defense Central Index of Investigations (DCII); Department of Defense Law Enforcement Data Exchange (D-DEX); Knowledge Network (K-NET); Consolidated Law Enforcement Operations Center (CLEOC); Joint Personnel Adjudication System (JPAS) and Defense Person Search (DPS) with the following results: NCIC, CLEOC and K-NET were negative for all four, JPAS disclosed (b)(6), (b)(7)(C) holds a TS/SCI security clearance and (b)(6), (b)(7)(C) hold SECRET clearances, yet (b)(6), (b)(7)(C) is only eligible for TS/SCI security clearance. DCII were negative for (b)(6), (b)(7)(C) and one record was found for (b)(6), (b)(7)(C) relevant to his security clearance. D-DEX was negative for (b)(6), (b)(7)(C) while (b)(6), (b)(7)(C) has a 17Aug13 arrest by DC Metropolitan Police and several citations, and (b)(6), (b)(7)(C) has several citations. (b)(6), (b)(7)(C) possesses no records pertinent to captioned investigation. DPS confirmed all four are assigned to U.S. Navy Office of Information (CHINFO), Washington, DC.

4. CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief was notified of the initiation of this investigation on 05Jan17. 24-Hour SVIP Notification was made to LCDR (b)(6), (b)(7)(C), Senior Trial Counsel, Regional Legal Service Office, Naval District Washington and (b)(6), (b)(7)(C), SARC, Naval Support Activity Washington, DC on 05Jan17. (b)(6), (b)(7)(C) advised a Victim Advocate will be assigned to alleged victims subsequent to alleged victims contacting her office for support. 48-Hour SVIP Collaboration was conducted on 06Jan17 with LCDR (b)(6), (b)(7)(C), Senior Trial Counsel, Regional Legal Service Office, Naval District Washington and (b)(6), (b)(7)(C), SARC, Naval Support Activity Washington, DC.

ACTION

R.NFNF: Please locate, fully identify and interview (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) (work),
(b)(6), (b)(7)(C) regarding his account of the events of 13Dec16 to include both, while at the Command's Christmas party and the subsequent dinner at Epic Restaurant. Specifically, his observations of the interactions between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and himself and (b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ:23B2 (E)/014C

ACTION:NFNF

INFO :NFNF (E)/DCWA (E)/002A

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RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 2017191-000109		
Name: (b)(6), (b)(7)(C)		
AKA:		
Social Security Number: (b)(6), (b)(7)(C)		Context: Subject
Date of Birth: (b)(6), (b)(7)(C)	State of Birth: (b)(6), (b)(7)(C)	Country of Birth: US - United States of America
Case Number: 07MAR17DCWA00728SNA		Dossier:
DCII INDEX CODE: K = 50 Years	RECORD SERIES #: 5580.4a(1)(b)	Date Closed: 07/07/2017
RECORD SERIES (FILE PLAN) Gen Mgmt, Sec & Safety Svcs - Provide Security Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death & Sex Investigations Controlled Death & Sex Investigations		
Comments:		
<input type="checkbox"/> No Polygraph Examination Conducted		<input type="checkbox"/> No Sexual Offender Registry Completed
<input type="checkbox"/> No Finger Prints Submitted to Code 23C2		<input type="checkbox"/> No Final Disposition Report to FBI
CIS - _____ / _____ <input type="checkbox"/> Closed Status <input type="checkbox"/> Dup Title <input type="checkbox"/> Dup CCN		
<small>Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.</small>		
 <small>RUR0015J5J</small>		1 7 / 8 4 8 4
I (b)(6), (b)(7)(C) _____ <small>Typed Name of SSA</small> 14 Jul 17 DATE		_____ certify that this document has been reviewed and is complete. <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">(b)(6), (b)(7)(C)</div> SIGNATURE

Unclassified when separated from attachment unless otherwise indicated.

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CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 07MAR17DCWA00728SNA on

(Case Control Number (CCN))

(b)(6), (b)(7)(C)

(Subject Name/Title)

ENC-B TO EX-3, contains the following additional material on

Interview of (b)(6), (b)(7)(C) 08may17

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

<input type="checkbox"/>	Grand Jury	_____
<input type="checkbox"/>	X – Rays	_____
<input type="checkbox"/>	Video Tapes	_____
<input type="checkbox"/>	Audio Tapes	_____
<input type="checkbox"/>	Photographs (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	_____
<input type="checkbox"/>	Polygraph Material	_____
<input type="checkbox"/>	Source Envelope	_____
<input checked="" type="checkbox"/>	Other DVD _____ (Description)	_____

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

07JUL17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 07MAR17-DCWA-0072-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC/ (b)(6), (b)(7)(C) SPECIAL
AGENT

REFERENCE(S)

- (A) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
STEPHEN/CDR USN/CCN: 05JAN17-DCWA-0003-8SNA
- (B) NCISRA WASHINGTON DC ROI (INTERIM) (CONTAINS EXHIBITS
1-6)/16MAR17
- (C) NCISRA WASHINGTON DC ROI (INTERIM)/16MAY17/16MAY17

EXHIBIT(S)

- (7) IA: Receipt of Sexual Assault Disposition Report/07JUN17

EXECUTIVE SUMMARY

1. On 15Feb17, (b)(6), (b)(7)(C) contacted NCIS and related that although she did not want to make an official report, she wanted to provide additional information related to the 13Dec16 Christmas Party at the Chief of Naval Information (CHINFO) spaces at the Pentagon. (b)(6), (b)(7)(C) related at a time unknown, (b)(6), (b)(7)(C) who was dressed as Santa Claus and she believed was intoxicated, sexually assaulted her by slapping her on the buttocks and stating something to the effect of "I'll show you a bad Santa", as a retort to her calling him bad Santa. (b)(6), (b)(7)(C) did not want to pursue or participate in an investigation. Alcohol was a factor and due to the time elapsed since and nature of the incident a Sexual Assault Forensic Examination (SAFE) was not conducted. The crime scene was previously documented via Reference (A) and a Military Protective Order was not issued by Command. (b)(6), (b)(7)(C) as provided a Victim Witness Assistance Program pamphlet. (b)(6), (b)(7)(C) declined to participate in further interviews. (b)(6), (b)(7)(C) was interrogated, and he denied the allegations. A Sexual Assault Disposition Report (SADR) was completed and actions taken included Letter of Counseling (LOC), adverse fitness report and an early transfer before the original rotation date for (b)(6), (b)(7)(C). Investigation is closed.

NARRATIVE

- 1. This reactive investigation was conducted pursuant to a suspected violation of UCMJ Article 120 (Abusive Sexual Contact).
- 2. On 23JUN17 Reporter received the Sexual Assault Disposition Report (SADR) in relation to this sexual assault investigation involving (b)(6), (b)(7)(C).

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07MAR17-DCWA-0072-8SNA/C

07JUL17

from Capt. [REDACTED] (b)(6), (b)(7)(C) SJA, OPNAV. The SADR noted actions taken included Letter of Counseling (LOC), adverse fitness report and an early transfer before the original rotation date for [REDACTED] (b)(6), (b)(7)(C) Exhibit (7) pertains.

3. Investigation is closed.

DISTRIBUTION

NCISHQ:23B2

INFO :DCWA/ (DIRECTOR, NAVY STAFF (CDR[REDACTED] (b)(6), (b)(7)(C)(E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07JUL17

CONTROL: 07MAR17-DCWA-0072-8SNA/C

(b)(6), (b)(7)(C)

RECEIPT OF SEXUAL ASSAULT DISPOSITION REPORT

1. On 23JUN17 Reporter received the Sexual Assault Disposition Report (SADR) in relation to a sexual assault investigation involving (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Action taken included Letter of Counseling (LOC), adverse fitness report and pending an early transfer before the original rotation date, Enclosure (A) pertains.

ENCLOSURE(S)

(A) Sexual Assault Disposition Report/undated

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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PAGE 1 LAST (b)(6), (b)(7)(C) LNN

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Pages 6 through 8 redacted for the following reasons:

(b)(6), (b)(7)(C): Pages (6) - (8), Enclosure (a)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

16MAY17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
STEPHEN/CDR USN/CCN: 05JAN17-DCWA-0003-8SNA
- (B) NCISRA WASHINGTON DC ROI (INTERIM) (CONTAINS EXHIBITS
1-6)/16MAR17

EXECUTIVE SUMMARY

1. On 15Feb17 (b)(6), (b)(7)(C) contacted Reporting Agent (RA) and related that although she did not want to make an official report, she wanted to provide additional information related to the 13Dec16 Christmas Party at the Chief of Naval Information (CHINFO) spaces, The Pentagon (b)(6), (b)(7)(C) related at a time unknown, (b)(6), (b)(7)(C) who was dressed as Santa Claus and she believed was intoxicated, sexually assaulted her by slapping her on the buttocks and stating something to the effect of "I'll show you a bad Santa", as a retort to her calling him bad Santa (b)(6), (b)(7)(C) did not want to pursue or participate in an investigation. Alcohol was a factor and due to the time elapsed since and nature of the incident a Sexual Assault Forensic Examination (SAFE) was not conducted. The crime scene was previously documented via Reference (A) and a Military Protective Order was not issued by Command (b)(6), (b)(7)(C) as provided a Victim Witness Assistance Program pamphlet (b)(6), (b)(7)(C) declined to participate in further interviews. (b)(6), (b)(7)(C) was interrogated, and he denied the allegations. On 16May17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C), JAGC, USN Legal Advisor to the Director, Navy Staff and LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) were updated on the status of this investigation. This investigation remains pending adjudicative determination.

NARRATIVE

1. This reactive investigation was conducted pursuant to a suspected violation(s) of Article 120 (Abusive Sexual Contact), The Uniform Code of Military Justice.
2. On 08Mar17, LCDR (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Regional Legal Services Office related there was no need to process (b)(6), (b)(7)(C) for fingerprints and DNA as this had already been completed via Reference (A).

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07MAR17-DCWA-0072-8SNA

16MAY17

3. On 08May17, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director related the case was still pending adjudicative determination.

3. On 16May17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff and LCDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) were notified of the status of this investigation. Investigation remains pending adjudicative determination by RLSO and Command and it is being transferred to Investigator (b)(6), (b)(7)(C) due to Reporting Agent's reassignment.

DISTRIBUTION

NCISHQ:23B2

INFO :DCWA/002A/DIRECTOR, NAVY STAFF (CDR(b)(6), (b)(7)(C)(H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

16MAR17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA WASHINGTON DC CASE FILE: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/CCN: 05JAN17-DCWA-0003-8SNA

EXHIBIT(S)

- (1) IA: ATTEMPTS TO INTERVIEW (b)(6), (b)(7)(C) 08MAR17
- (2) IA: ABSENT SEXUAL ASSAULT FORENSIC EXAMINATION/08MAR17
- (3) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) 08MAR17
- (4) IA: ABSENT CRIME SCENE DOCUMENTATION/08MAR17
- (5) IA: ABSENT FINGERPRINTS AND DNA COLLECTION/08MAR17
- (6) IA: ABSENT OMPF REVIEW/10MAR17

EXECUTIVE SUMMARY

1. On 15Feb17, (b)(6), (b)(7)(C) contacted Reporting Agent (RA) and related that although she did not want to make an official report, she wanted to provide additional information related to the 13Dec16 Christmas Party at the Chief of Naval Information (CHINFO) spaces, The Pentagon. (b)(6), (b)(7)(C) related at a time unknown, (b)(6), (b)(7)(C) who was dressed as Santa Claus and she believed was intoxicated, sexually assaulted her by slapping her on the buttocks and stating something to the effect of "I'll show you a bad Santa", as a retort to her calling him bad Santa. (b)(6), (b)(7)(C) did not want to pursue or participate in an investigation. Alcohol was a factor and due to the time elapsed since and nature of the incident a Sexual Assault Forensic Examination (SAFE) was not conducted. The crime scene was previously documented via Reference (A) and a Military Protective Order was not issued by Command. (b)(6), (b)(7)(C) as provided a Victim Witness Assistance Program pamphlet. (b)(6), (b)(7)(C) declined to participate in further interviews. (b)(6), (b)(7)(C) was interrogated, and he denied the allegations. On 08Mar17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff and LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) were updated on the status of this investigation. Active investigation completed.

NARRATIVE

1. This reactive investigation was initiated into the suspected violation of Art. 120 (Abusive Sexual Contact).

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07MAR17-DCWA-0072-8SNA

16MAR17

2. On 15Feb17, (b)(6), (b)(7)(C) contacted Reporting Agent (RA) and related that although she did not want to make an official report, she wanted to provide additional information related to the 13Dec16 Christmas Party at the Chief of Naval Information (CHINFO) spaces, The Pentagon. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) who was dressed as Santa Claus and she believed was intoxicated, sexually assaulted her by slapping her on the buttocks and stating something to the effect of "I'll show you a bad Santa", as a retort to her calling him bad Santa. (b)(6), (b)(7)(C) did not want to pursue or participate in an investigation and provided a Victim Preference Statement on 06Mar17, after consultation with her superiors. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program pamphlet. Exhibit (1) pertains.

3. Due to the time elapsed since and the nature of the incident, a Sexual Assault Forensic Examination (SAFE) was not conducted. Exhibit (2) pertains.

4. On 07Mar17, (b)(6), (b)(7)(C) was interrogated after Article 31b rights advisement, at which time he adamantly denied this allegation. (b)(6), (b)(7)(C) claimed to not have been drunk and expressed his belief that the allegations are stemming from professional disagreements with co-workers. The interview was recorded and entered into the NCISRA Washington, DC evidence repository under log number 081-17. Exhibit (3) pertains.

5. A crime scene examination was not conducted as the location of the incident has been previously documented via Reference (A). Exhibit (4) pertains.

6. On 08Mar17, LCDR (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Regional Legal Services Office related there was no need to process (b)(6), (b)(7)(C) for fingerprints and DNA as this had already been completed via Reference (A). Exhibit (5) pertains.

7. (b)(6), (b)(7)(C) Official Military Personnel File was previously reviewed. No pertinent information was identified. Exhibit (6) pertains.

8. On 10Mar17, CAPT (b)(6), (b)(7)(C), USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff and LCDR (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) were updated on the results of this investigation. Active investigation completed, pending adjudicative decision by RLSO and Command.

ACTION

23B2: Active investigation completed.

DISTRIBUTION

NCISHQ: 23B2 (E)

ACTION: 23B2 (E)

INFO :DCWA (E)/CHINFO (CAPT (b)(6), (b)(7)(C) (H) 002A (E)/DIRECTOR,
NAVY STAFF (CDR (b)(6), (b)(7)(C) (H) 22MAR17

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08MAR17

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

ATTEMPTS TO INTERVIEW (b)(6), (b)(7)(C)

1. As reported via Reference (A), on 15Feb17, (b)(6), (b)(7)(C) telephonically contacted Reporting Agent (RA) and hesitantly related she was not making a report, but that on the day of the CHINFO Christmas Party, 13Dec16, (b)(6), (b)(7)(C) who was dressed as Santa Claus and seemed highly intoxicated put his arm around her waist and slapped her on the buttocks and stated "I'll show you a bad Santa." This, allegedly in response to (b)(6), (b)(7)(C) calling (b)(6), (b)(7)(C) "bad Santa." (b)(6), (b)(7)(C) related that she did not feel a victim of sexual assault, but did feel humiliated and disrespected by (b)(6), (b)(7)(C) actions. RA asked (b)(6), (b)(7)(C) to consider providing a statement and she related she would think about it through the weekend and respond on the next workday. (b)(6), (b)(7)(C) was offered counseling assistance and provided a Victim Witness Assistance Program pamphlet (DD 2701).

2. On 21Feb17, (b)(6), (b)(7)(C) notified RA that after thinking about it she did not wish to provide an official statement.

3. On 06Mar17, (b)(6), (b)(7)(C) provided a signed Victim's Preference Statement indicating she did not wish to participate in this investigation. Enclosure (A) pertains.

ENCLOSURE(S)

(A) Victim Preference Statement of (b)(6), (b)(7)(C) 06Mar17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (1)

VICTIM PREFERENCE STATEMENT

I have had the opportunity to consult with a victim advocate, counselor or other person(s) of my choosing before making the following decision (circle one)

Y ☐ ☒ N
(b)(6), (b)(7)(C)
initials

I have been informed of my rights as a crime victim under the Victim/Witness Assistance Program, including my right to consult a counselor or victim advocate. I am aware that a counselor or victim advocate will provide me information that may assist me in deciding whether to participate in the criminal investigation.

At this time, I have decided not to provide additional information or participate in the investigation and in the prosecution of the suspect. I understand that the investigation may be closed. If the investigation continues, the chances that the suspect will be brought to justice are greatly reduced without my assistance.

I further understand that I may change my mind and provide information for this investigation at a later time. In that event, however, I understand that the delay may affect the investigative findings and the successful prosecution of the suspect.

I make this decision freely and voluntarily.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

DIRECTOR, RESOURCE MGMT
ADMIN 3/6/17
Title/Date

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08MAR17

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

ABSENT SEXUAL ASSAULT FORENSIC EXAMINATION

1. Due to the time elapsed since and the nature of the incident, a Sexual Assault Forensic Examination (SAFE) was not conducted.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (2)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08MAR17

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C)

1. On 07Mar17, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) after Article 31b Rights Advisement regarding (b)(6), (b)(7)(C) allegation that he sexually assaulted her by slapping her on the buttocks during the CHINFO Christmas party on 13Dec16. Enclosure (A) pertains. The interview was recorded into a DVD-R and entered into the NCISRA Washington, DC Evidence repository under log number 081-17 and copy is appended as Enclosure (B).
2. (b)(6), (b)(7)(C) adamantly denied the allegation stating "that absolutely didn't happen." He added that during the party several of the attendees asked if they could get a picture sitting in Santa's lap; etc., which he declined knowing the potential for an allegation of improper conduct to arise. (b)(6), (b)(7)(C) added that he made it a point to have his "wits" about him because there were senior and executive leaders in attendance such as the Secretary of the Navy, the Chief of Information and The Pentagon press corps. RA asked if he recalled any interaction that might have been perceived as him slapping someone on the buttocks or if it was possible that as a result of consuming alcohol he could not remember and he again was adamant that it did not happen. (b)(6), (b)(7)(C) asked who the complainant was and RA elected not to disclose the name nor gender of the complainant, at which time (b)(6), (b)(7)(C) related he heard (b)(6), (b)(7)(C) had made a complaint; RA did not confirm nor deny her involvement. (b)(6), (b)(7)(C) explained he and (b)(6), (b)(7)(C) had an ongoing heated professional feud, which he attributed as a possible motivator for the allegation. He added that "they" were trying to do a "stick job" on him, meaning he was being set up. He then spoke about another case wherein he has been accused of sexual assault and related he believed the victim, (b)(6), (b)(7)(C) was coached into making an allegation. He added since the alleged incident in 2014, he and (b)(6), (b)(7)(C) have had routine professional contact and she had never indicated there was a problem. (b)(6), (b)(7)(C) provided email communication between the two, which is reported via Reference (A).
3. (b)(6), (b)(7)(C) was asked the following direct questions designated with "Q" and his responses designated with "A":

Q: Did anyone at the party call you bad Santa?
A: No.

Q: Did you slap anyone on the buttocks at the party?
A: No.

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EXHIBIT (3)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07MAR17-DCWA-0072-8SNA

08MAR17

Q: why would anyone say you did?

A: Someone is making this up for professional reasons.

Q: Is it possible you drank too much and did something out of character?

A: No. Was not drunk or buzzed. Had 3-4 drinks (beer/bourbon) between 1100 and 1700 and was eating.

4. (b)(6), (b)(7)(C) was processed and released to CAPT (b)(6), (b)(7)(C) USN.

ENCLOSURE(S)

(A) Military Suspect's Acknowledgment and Waiver of Rights of

(b)(6), (b)(7)(C) 07Mar17

(B) DVD-R containing the interview of (b)(6), (b)(7)(C) 08Mar17

REPORTED BY: (b)(6), (b)(7)(C) Special Agent

OFFICE: RESIDENT AGENCY WASHINGTON DC

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: Bldg 1CP, JBAS
Date: 07 MAR 17

I, (b)(6), (b)(7)(C), have been
advised by (b)(6), (b)(7)(C) that I am
suspected of Sexual Assault

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature

(b)(6), (b)(7)(C)

Date & Time:

07 Mar 17 1300

Witnessed

(b)(6), (b)(7)(C)

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

Page 19 redacted for the following reason:

Page (19), Enclosure (b) to Exhibit (3): Digital Versatile Disc - not processed

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08MAR17

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

ABSENT CRIME SCENE DOCUMENTATION

1. A crime scene examination was not conducted for this specific investigation as the alleged violation occurred at the same location that was previously examined and documented in Reference (A).

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (4)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08MAR17

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

ABSENT FINGERPRINTS AND DNA COLLECTION

1. On 08Mar17, LCDR (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Regional Legal Services Office related that although there was enough probable cause to obtain (b)(6), (b)(7)(C) fingerprints and DNA for entering into the Combined DNA Index System (CODIS), it was not necessary to re-do this process since both have been already collected and forwarded for the same violation within Reference (A).

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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EXHIBIT (5)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10MAR17

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

AQUISITION AND REVIEW OF (b)(6), (b)(7)(C) USN, OMPF

1. (b)(6), (b)(7)(C) Official Military Personnel File was reviewed on 31Jan17 in support of Reference (A) in captioned investigation by SA (b)(6), (b)(7)(C) The following information was provided:

2. On 31JAN17, Reporting Agent (RA) obtained a copy and conducted a subsequent review of (b)(6), (b)(7)(C) USN, Official Military Personnel File (OMPF) obtained from the Defense Personnel Records Information Retrieval System (DPRIS). The review revealed the following listed biographical information as well as (b)(6), (b)(7)(C) military experience:

3. Personal Information:

(b)(6), (b)(7)(C)

4. Experience:

Date of Commission: 26MAY99

Date of Active Duty: 26MAY99

Commission Location: U.S. Naval Academy, Annapolis

Former Duty Stations: NAVPSSCOL MONTEREY

NAVAVSCOLSCOM PENS

COMTRAWING FIVE

CVN 75 H S TRUMAN

CENSERVSUPP L SITE

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EXHIBIT (6)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07MAR17-DCWA-0072-8SNA

10MAR17

CHINFO WASH DC

CNE-C6F

MCAS-2

COMDESRON SIX ZERO

COMNAVSURFPAC

CHINFO

CHNAVPERs WASH DC

Training Entries: N/A

Discipline Info: None

Awards/Citations: Navy and Marine Corps Achievement Medal

Navy and Marine Corps Commendation Medal

Sixth Fleet Meritorious Service Medal

Overseas Travel: Not Reflected

5. A further review of (b)(6), (b)(7)(C) OMPE reflected (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY WASHINGTON DC

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

10MAR17

SEXUAL ASSAULT - ADULT (II)

CONTROL: 07MAR17-DCWA-0072-8SNA

(b)(6), (b)(7)(C)

COMMAND/DIRECTOR, NAVY STAFF/N0001

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC, (b)(6), (b)(7)(C), SPECIAL AGENT

REFERENCE(S)

(A) NCISRA CASE FILE: (b)(6), (b)(7)(C)

USN/CCN: 05JAN17-DCWA-0003-8SNA

NARRATIVE

1. This reactive investigation is being conducted pursuant to suspected violations of Article 120 (Abusive Sexual Contact), the Uniform Code of Military Justice.

2. On 15Feb17, (b)(6), (b)(7)(C) contacted Reporting Agent (RA) and related that although she did not want to make an official report, she wanted to provide additional information related to the 13Dec16 Christmas Party at the Chief of Naval Information (CHINFO) spaces, The Pentagon. (b)(6), (b)(7)(C) related at a time unknown, (b)(6), (b)(7)(C) who was dressed as Santa Claus and she believed was intoxicated, sexually assaulted her by slapping her on the buttocks and stating something to the effect of "I'll show you a bad Santa", as a retort to her calling him bad Santa. (b)(6), (b)(7)(C) did not want to pursue or participate in an investigation. Alcohol was a factor and due to the time elapsed since and nature of the incident a Sexual Assault Forensic Examination (SAFE) was not conducted. The crime scene was previously documented via Reference (A) and a Military Protective Order was not issued by Command. (b)(6), (b)(7)(C) as provided a Victim Witness Assistance Program pamphlet.

3. Law Enforcement (LE) Database checks via the National Crime Information Center (NCIC), Defense Data Exchange (DDEX), Defense Criminal Information Index (DCII) and the Consolidated Law Enforcement Operations Center (CLEOC) and Joint Personnel Adjudication System (JPAS), Knowledge Network (KNET) and Defense Personnel System (DPS) revealed the following for (b)(6), (b)(7)(C). NCIC, CLEOC, DCII, DDEX and KNET were negative. JPAS disclosed (b)(6), (b)(7)(C) possesses a Secret security clearance and DPS confirmed (b)(6), (b)(7)(C) already determined place of employment. LE database checks of (b)(6), (b)(7)(C) NCIC, CLEOC and K-NET were negative, JPAS disclosed (b)(6), (b)(7)(C) holds a TS/SCI security clearance.

DCII

reported (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) DPS confirmed all both are assigned to U.S. Navy Office of

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07MAR17-DCWA-0072-8SNA

10MAR17

Information (CHINFO), Washington, DC.

4. On 10Mar17, CAPT (b)(6), (b)(7)(C) USN, CHINFO, Deputy Chief, CDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN Legal Advisor to the Director, Navy Staff and LCDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), JAGC, USN, Regional Legal Services Office (RLSO) were notified on the initiation of this investigation. 24-48 hour SVIP notification and collaboration was conducted with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Sexual Assault Prevention and Response on 10Mar17. Investigation continues.

DISTRIBUTION

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